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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON AT TACOMA

9 THERESA DOE, parent and legal guardian for
10 M.D., a minor,

11 Plaintiff,

12 v.

13 GRAYS HARBOR COUNTY, a municipality;
14 GERALD MURPHY, GREG REYNVAAN,
15 and JOHN and JANE DOES, in their individual
16 capacity;

17 Defendants.

No.

COMPLAINT FOR DAMAGES AND
INJUNCTIVE AND DECLARATORY
RELIEF UNDER 42 U.S.C. § 1983

18 **I. NATURE OF THE CASE**

19 1.1. Plaintiff M.D., now age 16, was detained repeatedly over the last four years in the
20 custody of the Grays Harbor County Juvenile Detention Facility (“Detention Facility”), largely
21 for minor probation violations. Throughout these episodic stints in juvenile detention, staffers at
22 the Detention Facility routinely placed Plaintiff in solitary confinement, pursuant to Defendant
23 Grays Harbor County’s (“the County”) policies and practices about using “cell confinement,”
24 “24, 48, or 72 hour lock,” or “isolation.”

25 1.2. Under the Fourteenth Amendment to the U.S. Constitution, juvenile detainees
26 may be placed in solitary confinement only in extreme circumstances, such as to control violent
27 offenders who present imminent risks to themselves or others. Under the Eighth Amendment,

1 juveniles may not be subjected to cruel and unusual punishment and are treated categorically
2 different from adults.

3 1.3. Despite those constitutional protections for youth, the County regularly resorts to
4 solitary confinement to sanction common forms of teenage misbehavior, such as talking back,
5 passing notes, yelling, using profanity, and other everyday non-threatening conduct. The County
6 does so both pursuant to official written policy that fails to comply with basic constitutional
7 requirements, and long-standing practices that permit the routine and flagrant violation of even
8 its own official written policies.

9 1.4. Under County policies and practices, Plaintiff was put into solitary confinement
10 over forty times between 2013 and April 2016 for various minor rule violations, for over 75 days
11 in aggregate.

12 1.5. Under County policies and practices, Defendant Gerald Murphy, the Detention
13 Facility Director, put Plaintiff in solitary confinement in a filthy padded cell for eight (8) days in
14 March 2016, after notifying Defendant Greg Reynvaan, Juvenile Court Administrator.

15 1.6. During this period of solitary confinement, Plaintiff was given only peanut butter
16 and jelly sandwiches to eat.

17 1.7. On March 28, 2016, after news of Plaintiff's solitary confinement appeared in the
18 press, the Honorable David L. Edwards, Superior Court Judge and Presiding Judge in the Grays
19 Harbor Juvenile Court, notified Mr. Reynvaan and Mr. Murphy that they were being
20 reprimanded. In his letter of reprimand, Judge Edwards noted "a detainee at the juvenile facility
21 was put into solitary confinement for an extended period of time and restricted of food and
22 bedding," and that "this type of discipline is unacceptable and will not be tolerated." Judge
23 Edwards suspended them each without pay for 7 days and 30 days, respectively.

24 1.8. Despite sanctioning Mr. Reynvaan and Mr. Murphy for their roles in keeping
25 Plaintiff in solitary confinement for so long, and despite receiving days earlier the prosecution's
26 motion seeking Plaintiff's release from the Detention Facility, Plaintiff was not released until
27 April 27, 2016.

1.9. Theresa Doe, parent and legal guardian for her minor son, M.D., brings suit under 42 U.S.C. § 1983, on Plaintiff M.D.'s behalf, seeking compensation for constitutional injuries and associated emotional distress that resulted from Plaintiff's unwarranted detention in solitary confinement for approximately 75 days in toto, in addition to declaratory and injunctive relief to halt the County's unconstitutional policy and practice of placing juveniles in solitary confinement as a tool to manage behavior.

II. PARTIES

2.1 Plaintiff M.D. is a minor citizen of the State of Washington and a resident of Grays Harbor County. Theresa Doe is the parent and legal guardian for M.D., for whom this suit is brought.

2.2 Defendant Greg Reynvaan, Juvenile Court Administrator, had at all material times overall supervisory authority of the Grays Harbor County Juvenile Detention Facility and was acting under color of law.

2.3 Defendant Gerald Murphy was at all material times the Detention Facility Director and acting under color of law.

2.4 Defendant Grays Harbor County (“the County”) is a county within the State of Washington. The Grays Harbor County Juvenile Court Services is a municipal agency within the County that acts in its administrative capacity to operate the Grays Harbor County Juvenile Detention Facility.

2.5 John and Jane Does are unidentified staffers of the Grays Harbor County Juvenile Detention Facility who placed Plaintiff in solitary confinement between 2013 and 2016 and at all material times were acting under color of law.

III. JURISDICTION AND VENUE

3.1 This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343.

3.2 Venue is appropriate in the Western District of Washington pursuant to 28 U.S.C. § 1391 because at least some of the Defendants reside in this judicial district and because the

1 events and omissions giving rise to the claims alleged herein occurred within the Western
2 District of Washington.

3 **IV. FACTUAL ALLEGATIONS**

4 **4.1. The County has an official written policy of placing juveniles in solitary 5 confinement for ordinary misbehavior.**

6 4.1.1 Defendant County operates the Grays Harbor County Juvenile Detention Facility
7 pursuant to the Facility's Policy Manual.

8 4.1.2 Chapter Seven of the Policy Manual sets forth the County's rules that govern the
9 conduct of the youths who are detained and establishes corrective actions Facility staff may take
10 in the event of minor infractions and major infractions, including "[r]oom confinement 24hr,
11 48hr, and 72hr." *See* Policy Manual, chap. 7.1-7.2.

12 4.1.3 Minor violations are "considered to be minor misbehaviors but may become
13 major depending upon the youth's attitude and response to staff intervention." Policy Manual,
14 chap. 7.2.II.B. These include: "(a) not following directions, (b) verbal argument/outburst, (c)
15 horseplay, (d) present in unauthorized areas, (e) uncooperative with staff; (f) verbal disrespect;
16 (g) non-performance of work assignment; and (h) note passing," among "other just causes."

17 4.1.4 The County policy allows staff to impose "sanctions" on youth for minor
18 violations, on a progressive basis, up to and including "Room Lock: youth is restricted to their
19 cell for a period of 24 hours." Policy Manual, chap. 7.2.II.B.2(d).

20 4.1.5 Major violations "are deemed unsafe; a threat to staff, youth, and the safety and
21 security of the Detention Facility. Violation of these rules results in extended cell confinement
22 and a potential loss of good time." Policy Manual, chap. 7.2.II.C.1. Major violations include:
23 (a) assault; (b) fighting where one is the primary aggressor; (c) escapes and attempted escapes;
24 (d) possession of contraband, including drugs, weapons, cigarettes, and lighters; (e) active
25 fighting or resistance to staff putting youth in physical restraint; (f) "[i]nappropriate sexual
26 behavior – [i]ntentional and purposeful touching of a sexual nature of the body"; (g) "[f]ailure to
27 follow the 'Clear the Floor' and 'Drop Position' directives"; (h) damage to one's mattress or the

1 building; (i) behavior that puts oneself or others “at harm”; and (j) “[c]omments of physical harm
2 toward staff o[r] other youth.”

3 4.1.6 The Policy Manual provides that “review of the privilege loss with the youth will
4 take place by the Shift Supervisor on the shift following the events leading to privilege loss.”
5 Chap. 7.2.II.B.2(d). The Manual states that it is “incumbent upon Detention Staff giving the
6 consequence to communicate to the Shift Supervisor or Detention Director the necessity for the
7 review through a written Incident Report.” Any loss of privileges mandated at this level requires
8 that youth “are to be out of their cells a minimum of 1 hour each day of privilege loss.”

9 4.1.7 The Policy Manual identifies as “Major Rule Infractions” the following: (a)
10 “Slurs pertaining to Race, Ethnicity, Gender, or Sexual Orientation”; (b) “Threats to the health
11 and safety of staff”; (c) “Possession of Contraband”; and (d) “Property Damage.” Chap.
12 7.2.II.D. The Policy affords Detention Staff “discretion in terms of determining the actual
13 consequence depending on the circumstances of the infraction. However, the range of
14 consequences includes up to 72-hour privilege loss with no school depending on the nature and
15 severity of the event and the youth involved.”

16 4.1.8 Corrective action, including cell confinement for 24 to 72 hours, may not include
17 “[d]enial of regular meals” or “[d]enial of contact with parents or legal guardians.” Policy
18 Manual, chap. 7.2.II.D.

19 4.1.9 In the event of “multiple, continuous minor rule violations or rule violations that
20 are a serious threat to the security of the Detention Facility,” the Policy Manual provides for the
21 following methods for Detention Staff to resolve minor infractions, with approval by the Shift
22 Supervisor: “move [youth] to a padded room,” “[r]emove privileges,” and “[p]lace on cell
23 confinement,” or “Room Lock.”

24 4.1.10 For major rule violations “or a series of lesser violations,” County policy allows a
25 shift supervisor to classify a youth for “room confinement.” Policy Manual, chap. 7.4.II. The
26 Shift Supervisor must review daily any room confinement.

1 4.1.11 County policy provides: “Youth who engage in a Major Rule Violation or exhibit
2 extreme threatening or destructive behavior may be placed on No Privilege status or on room
3 restriction (padded room or other room) for observation for up to 72 hours to minimize the
4 possibility for physical contact with other youth or staff members.” Policy Manual, chap. 7.5.I.A.

5 4.1.12 Under County policy “[a]ny room confinement over 24 hours requires a formal
6 review.” Policy Manual, chap. 7.5.II.B.

7 4.1.13 Under County policy, the Detention Facility uses a “Padded Room” to “segregate
8 youth who are engaging in disruptive behavior or are an imminent risk to themselves or others
9 and require constant and continuous visual supervision.” Policy Manual, chap. 7.5.II.D.

10 4.1.14 The Policy Manual characterizes “use of room restriction” as “an immediate
11 measure to control and observe a youth and not a form of punishment.” Policy Manual, chap.
12 7.5.III.A.1.

13 4.1.15 When a youth is placed on room restriction per County policy, “there must be
14 reasonable cause to believe that failure to do so would present: (a) Conduct which threatens
15 immediate physical harm to self or others[;] (b) A threat of imminent self-harm (Suicide Level 1
16 or 2)[;] An immediate threat of escape for only so long as the intent to escape persists[;] An
17 immediate or continued threat of destruction to property as evidenced by past behavior[;]
18 Conduct seriously disruptive to the security, order and discipline of the facility[;] [or]
19 Engagement in a Major Rule Violation that is a threat to the safety and security of the Detention
20 staff and its youth.” Policy Manual, chap. 7.5.III.A.3.

21 4.1.16 When the Detention Facility places a youth in “room confinement,” staff must
22 allow for “[o]ne hour of supervised time out of room during each 24 hour period to consist of
23 large muscle exercise.” Policy Manual, chap. 7.5.III.A.3(g). Otherwise, during the time of room
24 confinement, Detention Staff must check on the youth once every 30 minutes. Policy Manual,
25 chap. 7.5.III.A.9.

1 4.1.17 County policy “authorize[s]” Detention Staff to “use the padded room when a
2 youth is actively attempting to harm him/herself or attempting suicide.” Policy Manual, chap.
3 7.5.III.D. Per policy, confinement in the “Padded Room” “will not be used as punishment.”

4 4.1.18 The County’s use of “room confinement,” “room restriction,” “Room Lock,” “24-
5 hour lock,” “23/1 room confinement,” and other similar types and characterizations of segregated
6 detention are forms of solitary confinement or isolation of juvenile detainees.

7 4.1.19 The County’s use of “Padded Room” placement is a form of solitary confinement
8 or isolation of juvenile detainees.

9 4.1.20 Despite claims that the County does not use “room confinement” or placement in
10 the Padded Room as forms of punishment, there is a pattern and practice known and tolerated
11 among County staff and supervisors that such forms of solitary confinement are meted out as
12 punitive sanctions.

13 **4.2 Defendants have repeatedly placed Plaintiff in solitary confinement for**
14 **ordinary, non-threatening misbehavior, often in violation of the County’s**
policies that are already unconstitutional.

15 4.2.1 Plaintiff, M.D., now age 16, has been a detainee at Grays Harbor County Juvenile
16 Detention Facility periodically since he was confined there for the first time in 2013 and
17 thereafter, pursuant to “At Risk Youth Petitions” and minor probation violations. The ordered
18 duration for each period of detention was usually 30 days, with Plaintiff serving fewer days than
19 ordered. On two occasions, Plaintiff was ordered to serve longer periods—one 60-day period
20 and one 120-day period. For each of these longer periods of detention, Plaintiff also served
21 fewer days than the ordered number of days.

22 4.2.2 Plaintiff was released from the Detention Facility last on April 27, 2016.

23 4.2.3 During the period of episodic juvenile detention from 2013 to 2016, the County
24 repeatedly subjected Plaintiff to “room confinement,” “room restriction,” “Room Lock,” and
25 “Padded Room” placement—all forms of solitary confinement or isolation of juvenile
26 detainees—under circumstances that are unjustified and contrary to protections guaranteed by
27 the Eighth and Fourteenth Amendments.

1 4.2.4 On November 20, 2013, Plaintiff was placed in “24 hour lock for talking with
2 [another youth] to Head Trustee [sic] while she was picking up toothbrushes,” according to the
3 Individual Detention Report completed by an unidentifiable staff member.

4 4.2.5 The purported reason for solitary confinement does not specify whether this was
5 for a minor or major rule violation, and does not appear to match the criteria for either category
6 as set forth in Chapter 7.2 of the Policy Manual.

7 4.2.6 Even assuming there was some minor rule violation, the staff member does not
8 explain how this incident was part of any “multiple, continuous minor violations or rule
9 violations that are a serious threat to the security of the Detention Facility,” so as to warrant a
10 Room Lock under Chapter 7.3.III.M of the Policy Manual.

11 4.2.7 On July 2, 2014, Plaintiff was placed on “24 hour lock” because Plaintiff spilled
12 water that “pooled under the door” to his room. A later note on the Individual Detention Report
13 states that “parent called – informed that [Plaintiff] will not have a visit this evening because of
14 24 lock.”

15 4.2.8 The purported reason for solitary confinement does not specify whether this was
16 for a minor or major rule violation, and does not appear to match the criteria for either category
17 as set forth in Chapter 7.2 of the Policy Manual.

18 4.2.9 Even assuming there was some minor rule violation, the staff member does not
19 explain how this incident was part of any “multiple, continuous minor violations or rule
20 violations that are a serious threat to the security of the Detention Facility,” so as to warrant a
21 Room Lock under Chapter 7.3.III.M of the Policy Manual. The County staffer exacerbated the
22 unjustifiable use of solitary confinement by denying Plaintiff a scheduled parental visit contrary
23 to Chapter 7.3.II.8 of the Policy Manual.

24 4.2.10 On August 7, 2014, Plaintiff was placed on “24 hour lock for inappropriate
25 conversation” with another youth in which they allegedly said that a staff member’s “wife is
26 hot,” and “one of them said he knew where [staff member] lived,” according to the Individual
27 Detention Report completed by an unidentifiable staff member.

1 4.2.11 The purported reason for solitary confinement does not specify whether this was
2 for a minor or major rule violation, and doesn't appear to match the criteria for either category as
3 set forth in Chapter 7.2 of the Policy Manual.

4 4.2.12 Even assuming there was some minor rule violation, the staff member does not
5 explain how this incident was part of any "multiple, continuous minor violations or rule
6 violations that are a serious threat to the security of the Detention Facility," so as to warrant a
7 Room Lock under Chapter 7.3.III.M of the Policy Manual.

8 4.2.13 On August 10, 2014, Plaintiff was placed on "24 hour lock for being rude and
9 inappropriate in church during prayer," according to the Individual Detention Report completed
10 by an unidentifiable staff member.

11 4.2.14 The purported reason for solitary confinement does not specify whether this was
12 for a minor or major rule violation. To the extent this incident arguably concerned a violation of
13 the minor rule against "verbal disrespect" or some other minor infraction, the staff member does
14 not explain how this incident was part of any "multiple, continuous minor violations or rule
15 violations that are a serious threat to the security of the Detention Facility," so as to warrant a
16 Room Lock under Chapter 7.3.III.M of the Policy Manual.

17 4.2.15 On August 21, 2014, Plaintiff was placed on "24 hour lock for talking to [female
18 youth] while she was picking up toothbrushes, was trying to pass note to [another female
19 youth]," according to the Individual Detention Report completed by an unidentifiable staff
20 member.

21 4.2.16 The purported reason for solitary confinement does not specify whether this was
22 for a minor or major rule violation. To the extent this incident arguably concerned a violation of
23 the minor rule against "note passing" or some other minor infraction, the staff member does not
24 explain how this incident was part of any "multiple, continuous minor violations or rule
25 violations that are a serious threat to the security of the Detention Facility," so as to warrant a
26 Room Lock under Chapter 7.3.III.M of the Policy Manual.

1 4.2.17 On August 25, 2014, Plaintiff was placed on “24 lock for talking about
2 drugs/alcohol during rec on dayroom floor,” according to the Individual Detention Report
3 completed by unidentifiable staff member. The County staffer noted that “Mom was informed . .
4 . that [Plaintiff] lost visit tonite [sic].”

5 4.2.18 The purported reason for solitary confinement does not specify whether this was
6 for a minor or major rule violation, and doesn’t appear to match the criteria for either category as
7 set forth in Chapter 7.2 of the Policy Manual.

8 4.2.19 Even assuming there was some minor rule violation, the staff member does not
9 explain how this incident was part of any “multiple, continuous minor violations or rule
10 violations that are a serious threat to the security of the Detention Facility,” so as to warrant a
11 Room Lock under Chapter 7.3.III.M of the Policy Manual.

12 4.2.20 The County staffer exacerbated the unjustifiable use of solitary confinement by
13 denying Plaintiff a scheduled parental visit contrary to Chapter 7.3.II.8 of the Policy Manual.

14 4.2.21 On September 27, 2014, Plaintiff was placed on “24 lock” after staff discovered
15 “wet paper and a torn book” in Plaintiff’s room and noted that Plaintiff “cussed at me,”
16 according to the Individual Detention Report completed by staff member named “Cheri.”

17 4.2.22 The purported reason for solitary confinement does not specify whether this was
18 for a minor or major rule violation, and doesn’t appear to match the criteria for either category as
19 set forth in Chapter 7.2 of the Policy Manual.

20 4.2.23 To the extent this incident arguably concerned a violation of the minor rule
21 against “verbal disrespect” or some other minor infraction, the staff member does not explain
22 how this incident was part of any “multiple, continuous minor violations or rule violations that
23 are a serious threat to the security of the Detention Facility,” so as to warrant a Room Lock under
24 Chapter 7.3.III.M of the Policy Manual.

25 4.2.24 On October 2, 2014, Plaintiff was placed on “24 lock . . . for stashing extra books
26 under his sink,” according to the Individual Detention Report completed by an unidentifiable
27 staff member.

1 4.2.25 The purported reason for solitary confinement does not specify whether this was
2 for a minor or major rule violation, and doesn't appear to match the criteria for either category as
3 set forth in Chapter 7.2 of the Policy Manual.

4 4.2.26 Even assuming there was some minor rule violation, the staff member does not
5 explain how this incident was part of any "multiple, continuous minor violations or rule
6 violations that are a serious threat to the security of the Detention Facility," so as to warrant a
7 Room Lock under Chapter 7.3.III.M of the Policy Manual.

8 4.2.27 On December 29, 2014, Plaintiff was placed on "24 lock for laughing, talking,
9 joking with [another youth] in hall while going back with toothbrush," according to the
10 Individual Detention Report completed by an unidentifiable staff member. The County staffer
11 also noted "[p]hone call to Mom was informed - [Plaintiff] lost visit tonite [sic]."

12 4.2.28 The purported reason for solitary confinement does not specify whether this was
13 for a minor or major rule violation, and doesn't appear to match the criteria for either category as
14 set forth in Chapter 7.2 of the Policy Manual. Even though Plaintiff had been "previously
15 warned" about such purported misconducted, and assuming there was some minor rule violation,
16 the staff member does not explain how this incident was part of any "multiple, continuous minor
17 violations or rule violations that are a serious threat to the security of the Detention Facility," so
18 as to warrant a Room Lock under Chapter 7.3.III.M of the Policy Manual.

19 4.2.29 The County staffer exacerbated the unjustifiable use of solitary confinement by
20 denying Plaintiff a scheduled parental visit contrary to Chapter 7.3.II.8 of the Policy Manual.

21 4.2.30 On January 9, 2015, Plaintiff was placed on "24 lock for talking down hallway
22 after rec and proceeding to use profanity once after told about lock," according to the Individual
23 Detention Report completed by an unidentifiable staff member.

24 4.2.31 The purported reason for solitary confinement does not specify whether this was
25 for a minor or major rule violation, and doesn't appear to match the criteria for either category as
26 set forth in Chapter 7.2 of the Policy Manual.

1 4.2.32 To the extent this incident arguably concerned a violation of the minor rule
2 against “verbal disrespect” or some other minor infraction, the staff member does not explain
3 how this incident was part of any “multiple, continuous minor violations or rule violations that
4 are a serious threat to the security of the Detention Facility,” so as to warrant a Room Lock under
5 Chapter 7.3.III.M of the Policy Manual.

6 4.2.33 On January 22, 2015, Plaintiff was placed on “23/1 for continually being told by
7 staff to change his attitude (i.e., yelling out door, slamming toothbrush, and not listening to
8 staff),” according to the Individual Detention Report completed by an unidentifiable staff
9 member.

10 4.2.34 The purported reason for solitary confinement does not specify whether this was
11 for a minor or major rule violation. To the extent this incident arguably concerned a violation of
12 the minor rule against being “uncooperative with staff” or some other minor infraction, the staff
13 member does not explain how this incident was part of any “multiple, continuous minor
14 violations or rule violations that are a serious threat to the security of the Detention Facility,” so
15 as to warrant a Room Lock under Chapter 7.3.III.M of the Policy Manual.

16 4.2.35 On January 23, 2015, Plaintiff was placed on “23/1” for yelling profanity,
17 according to the Individual Detention Report completed by an unidentifiable staff member.

18 4.2.36 The purported reason for solitary confinement does not specify whether this was
19 for a minor or major rule violation, and doesn’t appear to match the criteria for either category as
20 set forth in Chapter 7.2 of the Policy Manual.

21 4.2.37 To the extent this incident arguably concerned a violation of the minor rule
22 against “verbal disrespect” or some other minor infraction, the staff member does not explain
23 how this incident was part of any “multiple, continuous minor violations or rule violations that
24 are a serious threat to the security of the Detention Facility,” so as to warrant a Room Lock under
25 Chapter 7.3.III.M of the Policy Manual.

26 4.2.38 On February 6, 2015, Plaintiff was placed on 24-hour room confinement for the
27 following reason noted on the Individual Detention Report by an unidentifiable staff member: “I

1 asked him to be quiet and he was burping in the hall. He started talking back to me. I told him
2 to stop and be quiet. He said ‘what the fuck ever.’”

3 4.2.39 The purported reason for solitary confinement does not specify whether this was
4 for a minor or major rule violation. To the extent this incident arguably concerned a violation of
5 the minor rule against “verbal disrespect” or some other minor infraction, the staff member does
6 not explain how this incident was part of any “multiple, continuous minor violations or rule
7 violations that are a serious threat to the security of the Detention Facility,” so as to warrant a
8 Room Lock under Chapter 7.3.III.M of the Policy Manual.

9 4.2.40 On March 26, 2015, Plaintiff was placed on 24-hour room confinement for the
10 following reason noted on the Comment Sheet by an unidentifiable staff member: “While
11 [another youth] was handing out the snacks . . . he went past [Plaintiff’s] room. [Plaintiff] yelled
12 down the hall that he was allergic to peanuts. . . . [Plaintiff] [later] started loudly asking everyone
13 in A Wing how their peanuts tasted, and saying my peanuts tasted great. [Plaintiff] was
14 obviously referring to the word penis.”

15 4.2.41 The purported reason for solitary confinement does not specify whether this was
16 for a minor or major rule violation. To the extent this incident arguably concerned a violation of
17 the minor rule against “verbal disrespect,” “verbal argument/outburst,” or some other minor
18 infraction, the staff member does not explain how this incident was part of any “multiple,
19 continuous minor violations or rule violations that are a serious threat to the security of the
20 Detention Facility,” so as to warrant a Room Lock under Chapter 7.3.III.M of the Policy Manual.

21 4.2.42 On March 29, 2015, Plaintiff was placed on “24 hr for kicking over a backpack in
22 the classroom after church,” according the Comment Sheet completed by an unidentifiable staff
23 member.

24 4.2.43 The purported reason for solitary confinement does not specify whether this was
25 for a minor or major rule violation, and doesn’t appear to match the criteria for either category as
26 set forth in Chapter 7.2 of the Policy Manual.

1 4.2.44 Even assuming there was some minor rule violation, the staff member does not
2 explain how this incident was part of any “multiple, continuous minor violations or rule
3 violations that are a serious threat to the security of the Detention Facility,” so as to warrant a
4 Room Lock under Chapter 7.3.III.M of the Policy Manual.

5 4.2.45 On March 31, 2015, Plaintiff was placed on 24-hour room confinement for the
6 following reason noted on the Comment sheet by an unidentifiable staff member: “[Plaintiff]
7 was sent to his room from the classroom line-up. [W]hen told to go, he first asked why. [W]hen
8 told to go again, he stepped forward and said, ‘I asked you a question’ in an angry voice. He did
9 go back, when told a third time.”

10 4.2.46 The purported reason for solitary confinement does not specify whether this was
11 for a minor or major rule violation.

12 4.2.47 To the extent this incident arguably concerned a violation of the minor rule
13 against “verbal disrespect,” “verbal argument/outburst,” or otherwise, the staff member does not
14 explain how this incident was part of any “multiple, continuous minor violations or rule
15 violations that are a serious threat to the security of the Detention Facility,” so as to warrant a
16 Room Lock per Chapter 7.3.III.M of the Policy Manual.

17 4.2.48 On April 1, 2015, Plaintiff was placed on overnight observation in the “Padded
18 Room” for the following reason noted on the Incident Report by the reviewing supervisor:
19 “[Plaintiff] was sitting in Room 5095 for being disruptive in A-Hall. He continued carrying on
20 in the visiting room after shift change. He refused verbal commands to be quiet. When [staffer]
21 gave him commands he said fuck you [to the staffer]. Suck me off! Suck my dick! After a brief
22 period of verbal threats he simmered down enough to have [staffer] walk him to the pad (A-11).
23 He spent the rest of the night in observation.”

24 4.2.49 Placement in the padded room was unwarranted. Merely being “disruptive” per
25 Chapter 7.5.II.D of the Policy Manual does not qualify under the extreme circumstances reserved
26 to justify isolation of juveniles consistent with due process.
27

1 4.2.50 In addition, nowhere in this note does the supervisor identify any “imminent risk
2 to [oneself] or others” that would warrant the sanction of isolation in the Facility’s Padded Room
3 per County policy. *See* Policy Manual, chap. 7.5.II.D.

4 4.2.51 On April 16, 2015, Plaintiff was placed on 24-hour room confinement for the
5 following reason noted on the Comment Sheet by an unidentifiable staff member: “During the
6 walk both [Plaintiff] and [another youth] were in their windows. I told them both to stay out.
7 [The other youth] sat down and [Plaintiff] decided to argue and demand why. I said cuz [sic]
8 you’ve been a problem all day [referring to two alleged instances of using profanity]. . . . Given
9 24 lock for arguing.”

10 4.2.52 The purported reason for solitary confinement does not specify whether this was
11 for a minor or major rule violation.

12 4.2.53 To the extent this incident arguably concerned a violation of the minor rule
13 against “verbal argument/outburst” or some other minor infraction, the staff member does not
14 explain how this incident was part of any “multiple, continuous minor violations or rule
15 violations that are a serious threat to the security of the Detention Facility,” so as to warrant a
16 Room Lock per Chapter 7.3.III.M of the Policy Manual.

17 4.2.54 On April 19, 2015, Plaintiff was placed on “24 hr. lock for making inappropriate
18 gestures toward female detainees walking by and lying about it,” according to the Comment
19 Sheet completed by an unidentifiable staff member.

20 4.2.55 The purported reason for solitary confinement does not specify whether this was
21 for a minor or major rule violation.

22 4.2.56 To the extent this incident arguably concerned a violation of the minor rule
23 against “verbal disrespect,” being “uncooperative with staff,” or otherwise, the staff member
24 does not explain how this incident was part of any “multiple, continuous minor violations or rule
25 violations that are a serious threat to the security of the Detention Facility,” so as to warrant a
26 Room Lock under Chapter 7.3.III.M of the Policy Manual.

1 4.2.57 On April 23, 2015, Plaintiff was “placed on 24 hr. lock for repeated misbehavior
2 in class – talking out, refusing to take notes, noise-making etc.,” according to the Comment
3 Sheet completed by an unidentifiable staff member.

4 4.2.58 The purported reason for solitary confinement does not specify whether this was
5 for a minor or major rule violation.

6 4.2.59 To the extent this incident arguably concerned a violation of the minor rule
7 against “verbal disrespect,” being “uncooperative with staff,” or otherwise, the staff member
8 does not explain how this incident was part of any “multiple, continuous minor violations or rule
9 violations that are a serious threat to the security of the Detention Facility,” so as to warrant a
10 Room Lock under Chapter 7.3.III.M of the Policy Manual.

11 4.2.60 On April 24, 2015, Plaintiff was placed on 24-hour room confinement for the
12 following reason noted on the Comment Sheet by an unidentifiable staff member: “[P]laintiff is
13 on another 24 hr lock. . . . [He] told me he doesn’t care and this is a fucking joke. [Plaintiff] is
14 on . . . [24 hr lock] because of making some kind of cat call to [a female youth].”

15 4.2.61 The purported reason for solitary confinement does not specify whether this was
16 for a minor or major rule violation.

17 4.2.62 To the extent this incident arguably concerned a violation of the minor rule
18 against “verbal disrespect” or some other minor infraction, the staff member does not explain
19 how this incident was part of any “multiple, continuous minor violations or rule violations that
20 are a serious threat to the security of the Detention Facility,” so as to warrant a Room Lock per
21 Chapter 7.3.III.M of the Policy Manual.

22 4.2.63 On April 30, 2015, Plaintiff was placed on “24 hr. lock for yelling and acting out
23 during lunch. Also for making gestures when told he was on lock,” according to the Comment
24 Sheet completed by an unidentifiable staff member.

25 4.2.64 The purported reason for solitary confinement does not specify whether this was
26 for a minor or major rule violation.

1 4.2.65 To the extent this incident arguably concerned a violation of the minor rule
2 against “verbal disrespect,” “verbal argument/outburst,” or otherwise, the staff member does not
3 explain how this incident was part of any “multiple, continuous minor violations or rule
4 violations that are a serious threat to the security of the Detention Facility,” so as to warrant a
5 Room Lock per Chapter 7.3.III.M of the Policy Manual.

6 4.2.66 On May 3, 2015, Plaintiff was placed on “24 hr. lock . . . for being a nuisance in
7 b-wing and talking across the hall,” according to the Comment Sheet completed by an
8 unidentifiable staff member.

9 4.2.67 The purported reason for solitary confinement does not specify whether this was
10 for a minor or major rule violation, and doesn’t appear to match the criteria for either category as
11 set forth in Chapter 7.2 of the Policy Manual.

12 4.2.68 Even assuming there was some minor rule violation for “being uncooperative
13 with staff” or otherwise, the staff member does not explain how this incident was part of any
14 “multiple, continuous minor violations or rule violations that are a serious threat to the security
15 of the Detention Facility,” so as to warrant a Room Lock under Chapter 7.3.III.M of the Policy
16 Manual.

17 4.2.69 On May 9, 2015, Plaintiff was placed on “24 hr. lock for dissing on [another
18 youth],” according to the Comment Sheet completed by an unidentifiable staff member.

19 4.2.70 The purported reason for solitary confinement does not specify whether this was
20 for a minor or major rule violation, and doesn’t appear to match the criteria for either category as
21 set forth in Chapter 7.2 of the Policy Manual.

22 4.2.71 Even assuming there was some minor rule violation, the staff member does not
23 explain how this incident was part of any “multiple, continuous minor violations or rule
24 violations that are a serious threat to the security of the Detention Facility,” so as to warrant a
25 Room Lock under Chapter 7.3.III.M of the Policy Manual.

26 4.2.72 On May12, 2015, Plaintiff was placed on “24 hr. lock for consistent talking,
27 making under his breath comments that can just barely be heard, hitting people with foam roller

1 & just generally trying to get away with misbehavior,” according to the Comment Sheet
2 completed by an unidentifiable staff member.

3 4.2.73 The purported reason for solitary confinement does not specify whether this was
4 for a minor or major rule violation, and doesn’t appear to match the criteria for either category as
5 set forth in Chapter 7.2 of the Policy Manual.

6 4.2.74 Even assuming there was some minor rule violation for “horseplay” or being
7 “uncooperative with staff,” the staff member does not explain how this incident was part of any
8 “multiple, continuous minor violations or rule violations that are a serious threat to the security
9 of the Detention Facility,” so as to warrant a Room Lock under Chapter 7.3.III.M of the Policy
10 Manual.

11 4.2.75 On May 17, 2015, Plaintiff was placed on “24 hr. lock” for leaving a “big glob of
12 toothpaste on [his] front door,” according to the Comment Sheet completed by an unidentifiable
13 staff member who disbelieved Plaintiff’s claim that it was an accident.

14 4.2.76 The purported reason for solitary confinement does not specify whether this was
15 for a minor or major rule violation, and doesn’t appear to match the criteria for either category as
16 set forth in Chapter 7.2 of the Policy Manual.

17 4.2.77 Even assuming there was some minor rule violation for being “uncooperative
18 with staff” or otherwise, the staff member does not explain how this incident was part of any
19 “multiple, continuous minor violations or rule violations that are a serious threat to the security
20 of the Detention Facility,” so as to warrant a Room Lock per Chapter 7.3.III.M of the Policy
21 Manual.

22 4.2.78 On June 7, 2015, Plaintiff was placed on “24 hr. lock for lying and arguing with
23 staff” after he attempted to participate in physical activity he purportedly was not authorized to
24 do, according to the Comment Sheet completed by an unidentifiable staff member.

25 4.2.79 The purported reason for solitary confinement does not specify whether this was
26 for a minor or major rule violation.
27

1 4.2.80 Even assuming there was some minor rule violation against “verbal
2 argument/outburst,” for being “uncooperative with staff,” or otherwise, the staff member does
3 not explain how this incident was part of any “multiple, continuous minor violations or rule
4 violations that are a serious threat to the security of the Detention Facility,” so as to warrant a
5 Room Lock under Chapter 7.3.III.M of the Policy Manual.

6 4.2.81 On June 11, 2015, Plaintiff was placed on “24 hr. lock” for “yelling from room
7 (profanities) to [another youth],” according to the Comment Sheet completed by an
8 unidentifiable staff member.

9 4.2.82 The purported reason for solitary confinement does not specify whether this was
10 for a minor or major rule violation.

11 4.2.83 Even assuming there was some minor rule violation for “verbal
12 argument/outburst,” or being “uncooperative with staff,” or otherwise, the staff member does not
13 explain how this incident was part of any “multiple, continuous minor violations or rule
14 violations that are a serious threat to the security of the Detention Facility,” so as to warrant a
15 Room Lock under Chapter 7.3.III.M of the Policy Manual.

16 4.2.84 On July 6, 2015, Plaintiff was placed on “24 hr. lock” for carrying candy in his
17 pocket, which was “contraband” according to the Comment Sheet completed by an
18 unidentifiable staff member.

19 4.2.85 The purported reason for solitary confinement does not specify whether this was
20 for a minor or major rule violation.

21 4.2.86 Even assuming there was some minor rule violation, the staff member does not
22 explain how this incident was part of any “multiple, continuous minor violations or rule
23 violations that are a serious threat to the security of the Detention Facility,” so as to warrant a
24 Room Lock under Chapter 7.3.III.M of the Policy Manual.

25 4.2.87 On July 7, 2015, Plaintiff was placed on “24 hr. lock” for making comments to a
26 “Mexican” youth and saying he “should go back to where he came from,” according to the
27 Comment Sheet completed by an unidentifiable staff member.

1 4.2.88 The purported reason for solitary confinement does not specify whether this was
2 for a minor or major rule violation.

3 4.2.89 Even assuming there was some minor rule violation for “verbal disrespect,” the
4 staff member does not explain how this incident was part of any “multiple, continuous minor
5 violations or rule violations that are a serious threat to the security of the Detention Facility,” so
6 as to warrant a Room Lock under Chapter 7.3.III.M of the Policy Manual. Even if this were
7 deemed a major infraction for “slurs pertaining to [r]ace” or “ethnicity,” there was no claim of
8 imminent threat to others to justify use of isolation.

9 4.2.90 On July 12, 2015, Plaintiff was placed on 48-hour room confinement for the
10 following reason noted on the Comment Sheet by an unidentifiable staff member: “[Plaintiff]
11 was at his window again, told me he doesn’t care. Gave 48 hr lock, he has very bad attitude.”

12 4.2.91 The purported reason for solitary confinement does not specify whether this was
13 for a minor or major rule violation.

14 4.2.92 To the extent this incident arguably concerned a violation of the minor rule for
15 being “uncooperative with staff” or some other minor infraction, the staff member does not
16 explain how this incident was part of any “multiple, continuous minor violations or rule
17 violations that are a serious threat to the security of the Detention Facility,” so as to warrant a
18 Room Lock per Chapter 7.3.III.M of the Policy Manual.

19 4.2.93 On July 21, 2015, Plaintiff was placed on 24-hour room confinement for the
20 following reason noted on the Comment Sheet by an unidentifiable staff member: “Yelling
21 ‘bitch’ from his room – not sure who it was directed at.”

22 4.2.94 The purported reason for solitary confinement does not specify whether this was
23 for a minor or major rule violation.

24 4.2.95 To the extent this incident arguably concerned a violation of the minor rule for
25 being “verbal argument/outburst” or some other minor infraction, the staff member does not
26 explain how this incident was part of any “multiple, continuous minor violations or rule
27

violations that are a serious threat to the security of the Detention Facility,” so as to warrant a Room Lock per Chapter 7.3.III.M of the Policy Manual.

4.2.96 On August 23, 2015, Plaintiff was placed in “23/1” room confinement by Detention staffer, Georgia Peterson, without explanation.

4.2.97 The purported reason for solitary confinement does not specify whether this was for a minor or major rule violation.

4.2.98 The staffer also does not document the basis for placing Plaintiff in isolation, as required, or how this incident was part of any “multiple, continuous minor violations or rule violations that are a serious threat to the security of the Detention Facility,” so as to warrant a Room Lock per Chapter 7.3.III.M of the Policy Manual.

4.2.99 On August 30, 2015, Plaintiff was placed on “24 hr. lock” for “talking about robbing a 7-11, after being previously warned.” The Comment Sheet completed by unidentifiable staff member does not elaborate on the alleged comment or what the warning concerned.

4.2.100 The purported reason for solitary confinement does not specify whether this was for a minor or major rule violation.

4.2.101 Even assuming there was some minor rule violation, the staff member does not explain how this incident was part of any “multiple, continuous minor violations or rule violations that are a serious threat to the security of the Detention Facility,” so as to warrant a Room Lock under Chapter 7.3.III.M of the Policy Manual.

4.2.102 On October 8, 2015, Plaintiff was placed on “23 + 1” room confinement for “yelling from room, wanted to argue and deny it when he was confronted,” according to the Comment Sheet completed by an unidentifiable staff member.

4.2.103 The purported reason for solitary confinement does not specify whether this was for a minor or major rule violation.

4.2.104 Even assuming there was some minor rule violation for “verbal argument/outburst,” being “uncooperative with staff,” or otherwise, the staff member does not

1 explain how this incident was part of any “multiple, continuous minor violations or rule
2 violations that are a serious threat to the security of the Detention Facility,” so as to warrant a
3 Room Lock under Chapter 7.3.III.M of the Policy Manual.

4 4.2.105 On October 12, 2015, Plaintiff was placed on “23 + 1” room confinement
5 because he “hit [another youth] on the rear as he was walking by – w[ith] a foam roller. He was
6 goofing around, not angry, but automatic 23/1 for physical aggression.” The Comment Sheet
7 completed by an unidentifiable staff member is nonsensical on its face because it equates what is
8 at most the minor violation of “horseplay” under Chapter 7.2.II.B.1(c) (“goofing around”) with
9 “physical aggression.”

10 4.2.106 The purported reason for solitary confinement does not specify whether
11 this was for a minor or major rule violation.

12 4.2.107 Even assuming there was some minor rule violation, the staff member
13 does not explain how this incident was part of any “multiple, continuous minor violations or rule
14 violations that are a serious threat to the security of the Detention Facility,” so as to warrant a
15 Room Lock under Chapter 7.3.III.M of the Policy Manual.

16 4.2.108 On October 17, 2015, Plaintiff was placed on “23 + 1” room confinement
17 for “writing on table and using spit to wipe it off with a sweatshirt,” according to the Individual
18 Detention Report completed by an unidentifiable staff member.

19 4.2.109 The purported reason for solitary confinement does not specify whether
20 this was for a minor or major rule violation, and doesn’t appear to match the criteria for either
21 category as set forth in Chapter 7.2 of the Policy Manual.

22 4.2.110 Even assuming there was some minor rule violation, the staff member
23 does not explain how this incident was part of any “multiple, continuous minor violations or rule
24 violations that are a serious threat to the security of the Detention Facility,” so as to warrant a
25 Room Lock under Chapter 7.3.III.M of the Policy Manual.

1 4.2.111 On October 19, 2015, Plaintiff was placed on “23 + 1” room confinement
2 for “talking out of his room and cussing at other detainees,” according to the Individual
3 Detention Report completed by an unidentifiable staff member.

4 4.2.112 The purported reason for solitary confinement does not specify whether
5 this was for a minor or major rule violation.

6 4.2.113 Even assuming there was some minor rule violation for “verbal
7 argument/outburst” or other minor infraction, the staff member does not explain how this
8 incident was part of any “multiple, continuous minor violations or rule violations that are a
9 serious threat to the security of the Detention Facility,” so as to warrant a Room Lock under
10 Chapter 7.3.III.M of the Policy Manual.

11 4.2.114 On December 17, 2015, Plaintiff was placed on 24-hour room
12 confinement for the following reason noted on the Individual Detention Report by an
13 unidentifiable staff member: “While I was reprimanding another detainee on the dayroom about
14 kids calling each other nicknames ‘white boy,’ [Plaintiff] interrupted me and told me it’s okay
15 for them to say that because they are white.” The note continued that Plaintiff did not go back to
16 his room when told, and that the staffer had Plaintiff remove all his property except his mattress.
17 The staffer reported finally that Plaintiff then called her a “cunt.”

18 4.2.115 The purported reason for solitary confinement does not specify whether
19 this was for a minor or major rule violation.

20 4.2.116 To the extent this incident arguably concerned a violation of the minor
21 rule against “verbal disrespect,” “verbal argument/outburst,” being “uncooperative with staff,” or
22 otherwise, the staff member does not explain how this incident was part of any “multiple,
23 continuous minor violations or rule violations that are a serious threat to the security of the
24 Detention Facility,” so as to warrant a Room Lock under Chapter 7.3.III.M of the Policy Manual.

25 4.2.117 On January 20, 2016, Plaintiff was placed in “23/1” room confinement by
26 Detention staffer, Georgia Peterson, without explanation.

1 4.2.118 The purported reason for solitary confinement does not specify whether
2 this was for a minor or major rule violation. The staffer also does not document the basis for
3 placing Plaintiff in isolation, as required, or how this incident was part of any “multiple,
4 continuous minor violations or rule violations that are a serious threat to the security of the
5 Detention Facility,” so as to warrant a Room Lock per Chapter 7.3.III.M of the Policy Manual.

6 4.2.119 On February 10, 2016, Plaintiff was placed on room confinement for 23
7 hours, with 1 hour out (“23/1”), “for receiving a letter that was passed to him from [another
8 youth],” according to the Individual Detention Report completed by an unidentifiable staff
9 member.

10 4.2.120 The purported reason for solitary confinement does not specify whether
11 this was for a minor or major rule violation.

12 4.2.121 To the extent this incident arguably concerned a violation of the minor
13 rule against “note passing” or some other minor infraction, the staff member does not explain
14 how this incident was part of any “multiple, continuous minor violations or rule violations that
15 are a serious threat to the security of the Detention Facility,” so as to warrant a Room Lock under
16 Chapter 7.3.III.M of the Policy Manual.

17 4.2.122 On February 13, 2016, Plaintiff was placed in on room confinement for 23
18 hours, with 1 hour out (“23/1”) by Detention staffer, Georgia Peterson, without explanation.

19 4.2.123 The purported reason for solitary confinement does not specify whether
20 this was for a minor or major rule violation.

21 4.2.124 The staffer also does not document the basis for placing Plaintiff in
22 isolation, as required, or how this incident was part of any “multiple, continuous minor violations
23 or rule violations that are a serious threat to the security of the Detention Facility,” so as to
24 warrant a Room Lock per Chapter 7.3.III.M of the Policy Manual.

25 4.2.125 On February 20, 2016, Plaintiff was placed in room confinement for 23
26 hours, with 1 hour out (“23/1”) by Detention staffer, Gabrielle Wolcott, without explanation.

1 4.2.126 The purported reason for solitary confinement does not specify whether
2 this was for a minor or major rule violation. The staffer also does not document the basis for
3 placing Plaintiff in isolation, as required, or how this incident was part of any “multiple,
4 continuous minor violations or rule violations that are a serious threat to the security of the
5 Detention Facility,” so as to warrant a Room Lock per Chapter 7.3.III.M of the Policy Manual.

6 4.2.127 During the aforementioned instances of solitary confinement, Detention
7 staff, especially during the weekend shift, often did not check on Plaintiff every 30 minutes as
8 required.

9 4.2.128 During these periods of solitary confinement, Plaintiff was deprived of his
10 liberty and his property interest in education, without adequate notice or opportunity to be heard.

11 4.2.129 Supervisors routinely review Incident Reports and Comment Sheets that
12 discuss use of solitary confinement. County supervisors have failed to take action to correct
13 misuse of solitary confinement or enforce the Policy Manual to curb excessive and unwarranted
14 use of solitary confinement for minor rule violations.

15 4.2.130 County policymakers are deliberately indifferent to the pattern and
16 practice of not enforcing the Policy Manual and the Policy Manual’s authorization of solitary
17 confinement under circumstances that violate the constitution.

18 **4.3 County officials subjected Plaintiff to isolation for over a month, eight (8)**
19 **days of which were spent in the detention Facility’s Padded Room.**

20 4.3.1 On February 21, 2016, an incident occurred at the Detention Facility where
21 Plaintiff and several other juvenile detainees were yelling in their cells in the “B-Wing.” Staff
22 told the detainees as a group to be quiet and calm down. Plaintiff stopped yelling, but others did
23 not. Plaintiff watched from his cell as staff removed some juveniles, but no staff member made
24 contact with Plaintiff at that time, and he was left alone in his cell.

25 4.3.2 Staff members Ruth Milner and Jackie Ficele characterized the incident as
26 “Banging & yelling in B-Wing & refusing to follow directives,” and elaborated as follows in the
27 Incident Report:

1 B-wing was acting out by banging & yelling & trying to involve others to
2 participate. They all were repeatedly being told by Jackie Ficele, the supervisor on
3 shift to quit being disruptive. After being told to stop continuously and they
4 wouldn't, she starting removing certain kids from the hall starting with [other
5 youth #1] & [other youth #2]. Belongings were later removed from [other youth
6 #3], [other youth #4], [Plaintiff], & [other youth #5]. Noise continued coming
7 from [other youth #3]'s room so he was placed in a desk in the hall. [Other youth
8 #1] was placed in the pad. [Other youth #5] continued to bang and yell & was told
9 to come to door 3. When he came out of his room he said fuck this and returned to
10 his room. [Other youth #6] & [other youth #7] went to his room & [other youth
11 #7] resisted being cuffed & was taken down in the hall. Cuffs were placed on him
12 and he was escorted to intake & cuffed to the bench. The cuffs were checked &
13 loosened. [Other youth #3], [other youth #1], & [other youth #2] were all returned
14 to their rooms before 10 p.m. [Other youth #4] was ok'd to go back to his room
15 after Jackie F. talked to him @ 2220. [Other youth #5] was ok'd to go back to his
16 room @ 2235. [Other youth #4] was placed on 23/ 1 & lowered his level to 1.
17 [Other youth #1], [other youth #2], & [other youth #5] were placed on 23/1 then
18 then was lowered to level 1. [Plaintiff] & [other youth #3] will remain on ALP
19 [alternative level program] l till behavior improves.

11 4.3.3 On February 25, 2016, Defendant Gerald Murphy, the Detention Director, falsely
12 claimed that Plaintiff "escalated" the incident and caused a "mini riot" with the others. In light
13 of this incident, Mr. Murphy authorized that Plaintiff be confined in his room in "secured
14 detention" and "remain isolated from his peers until he demonstrates and improves better social
15 skills."

16 4.3.4 Mr. Murphy instructed, based on an incorrect factual basis, that "[w]hile in secure
17 detention, he will follow all rules and expectations by staff and adhere to secure detentions [sic]
18 zero tolerance with behavior he demonstrated on 2/21/2016. [Plaintiff] will refrain from using
19 foul language and inciting weaker peers to mimic his behavior."

20 4.3.5 Plaintiff remained in this isolated "secured detention," with an hour per day in the
21 recreation room, through March 18, 2016. Plaintiff was limited to having one book in his cell.
22 Plaintiff was deprived of all contact with his parents during this period.

23 4.3.6 On several days, staff conducted a so-called "garage sale" where all items
24 (including his mattress) were removed from his cell from 7:00 am to 11:00 pm, as additional
25 punishment.

26 4.3.7 Plaintiff was also restricted to "sack lunches," which consisted of an apple, a
27 container of milk, and a meat sandwich.

1 4.3.8 After staff review of this isolated segregation, Mr. Murphy decided on March 18,
2 2016, that Plaintiff was to be moved from room confinement to the Padded Room, effective
3 March 19, because Plaintiff had allegedly used “foul language when addressing his peers” and
4 “demonstrated an unwillingness to make improvements in his behavior, along with . . . [r]efusing
5 to follow staffs [sic] directives.” Mr. Murphy declined to provide a specific date on which this
6 segregation and “special programming” would be reviewed.

7 4.3.9 Mr. Murphy’s use of solitary confinement—by placing Plaintiff in the Padded
8 Room—was carried out even though there were no safety risks that Plaintiff might harm himself
9 or others.

10 4.3.10 Plaintiff remained isolated in the Padded Room for eight days.

11 4.3.11 The condition of the Padded Room was dirty, with food and blood splatters on the
12 wall and floor. Instead of a toilet, there was a hole in the ground that was covered by a grate.
13 The grate was fouled with other detainees’ feces. When Plaintiff requested permission to clean
14 the grate, staff asked him if he would “eat” the feces. When he said that he would not, staff
15 laughed at him and said that in that case he would not be allowed to clean the grate.

16 4.3.12 During Plaintiff’s isolation in the Padded Room, he received only peanut butter
17 and jelly sandwiches, with staff expressly instructed that he was to receive “NO MILK OR
18 SNACKS.”

19 4.3.13 His diet was restricted in this manner despite the Policy Manual directive that he
20 was not to be denied “regular meals,” chap. 7.3.II.A.5, and the related policy that the Detention
21 Facility “provides three nutritionally balanced meals daily that meet the guidelines of the
22 National School Lunch Program.” *See* Chap. 14.1.I.A.

23 4.3.14 During Plaintiff’s isolation in the Padded Room, he was denied visitation with his
24 parents. He was prohibited from receiving any phone calls. The one designated hour of
25 recreation (“rec. time”) was allowed from 7am to 8am, alone in the Rec. Room. Plaintiff was not
26 permitted to have any books in his room, or educational materials, and was denied access to a
27 radio.

1 4.3.15 Mr. Murphy ordered that “during waking hours [7:00 am to 11:00 pm], all items
2 in his cell will be removed except his mattress.”

3 4.3.16 During these periods of solitary confinement, Plaintiff was deprived of his liberty
4 and his property interest in education, without notice or opportunity to be heard.

5 4.3.17 Mr. Murphy notified Defendant Greg Reynvaan of the extended period of solitary
6 confinement and dietary restrictions.

7 4.3.18 As Juvenile Court Administrator, Mr. Reynvaan had the authority to countermand
8 the corrective action, but did not.

9 4.3.19 On or about March 26, 2016, Plaintiff was released from the Padded Room, and
10 relieved of the related sanctions under Mr. Murphy’s corrective action and special programming.

11 4.3.20 On March 28, 2016, Judge Edwards confirmed that “a detainee at the juvenile
12 facility was put into solitary confinement for an extended period of time and restricted of food
13 and bedding,” and reprimanded Mr. Reynvaan and Mr. Murphy that “this type of discipline is
14 unacceptable and will not be tolerated.” Judge Edwards suspended them each without pay for 7
15 days and 30 days, respectively.

16 4.3.21 Plaintiff was released from County custody on April 27, 2016.

17 4.3.22 In light of the frequency in which Plaintiff cycled through the Grays Harbor
18 County juvenile justice system, and the County’s aforementioned extensive record of subjecting
19 Plaintiff to unwarranted and excessive use of solitary confinement to sanction ordinary teenage
20 misbehavior, there is a reasonable risk that Plaintiff will again in the future be subject to the
21 County’s unconstitutional policies and practices.

22 **4.4 The County’s policies, patterns, and practices caused Plaintiff to be placed**
23 **solitary confinement, in violation of the Eighth and Fourteenth Amendments.**

24 4.4.1 Due process rights afforded to juveniles under the Fourteenth Amendment to the
25 U.S. Constitution prohibit the use of solitary confinement or isolation except in extreme
26 circumstances, such as to control violent offenders who present an imminent risk to themselves
27 or others.

1 4.4.2 Juveniles adjudicated delinquent have protections under the Eighth Amendment
2 to the U.S. Constitution against cruel and unusual punishment and are treated categorically
3 different from adults with criminal convictions.

4 4.4.3 The National Commission on Correctional Health Care (NCCHC) takes the
5 following positions: (1) “The inherent restriction in meaningful social interaction and
6 environmental stimulation and the lack of control adversely impact the health and welfare of all
7 who are held in solitary confinement.” (2) “Even those without a prior history of mental illness
8 may experience a deterioration in mental health, experiencing anxiety, depression, anger,
9 diminished impulse control, paranoia, visual and auditory hallucinations, cognitive disturbances,
10 obsessive thoughts, paranoia, hypersensitivity to stimuli, posttraumatic stress disorder, self-
11 harm, suicide, and/or psychosis.” (3) “These consequences are especially harmful to juveniles
12 whose brains are still developing and those with mental health problems.” For these reasons, the
13 NCCHC recommends: “Juveniles, mentally ill individuals, and pregnant women should be
14 excluded from solitary confinement of any duration.”

15 4.4.4 The federal government during the Obama administration ceased the practice of
16 using solitary confinement for juveniles and for inmates serving time for low-level infractions.
17 The federal government took this action because of data reflecting that the still-developing brains
18 of juveniles face increased susceptibility to lasting damage from imposition of solitary
19 confinement.

20 4.4.5 At least 21 states have prohibited the use of solitary confinement on juveniles for
21 disciplinary purposes.

22 4.4.6 Consistent with these data and reforms, courts have recognized that “there is a
23 broad consensus among the scientific and professional community that juveniles are
24 psychologically more vulnerable than adults.” *V.W. by & through Williams v. Conway*, No. 9:16-
25 CV-1150, 2017 WL 696808, *19, -- F.Supp.3d -- (N.D.N.Y. Feb. 22, 2017) (granting
26 preliminary injunction to stop use of solitary confinement of minors in New York county); *see*
27 *also, e.g., Miller v. Alabama*, 567 U.S. 460, 132 S. Ct. 2455, 2467 (2012) (Youth “is a time of

1 immaturity, irresponsibility, impetuosity[, and] recklessness. It is a moment and condition of
2 life when a person may be most susceptible to influence and to psychological damage.”) (internal
3 quotation marks and citations omitted) (alteration in original); *Graham v. Florida*, 560 U.S. 48,
4 68 (2010) (“[D]evelopments in psychology and brain science continue to show fundamental
5 differences between juvenile and adult minds.”); *Roper v. Simmons*, 543 U.S. 551, 569 (2005)
6 (recognizing “comparative immaturity and irresponsibility of juveniles”); *State v. Houston-*
7 *Sconiers*, No. 92605-1, 2017 WL 825654, -- P.3d --, (Wash. Mar. 2, 2017) (“Because ‘children
8 are different’ under the Eighth Amendment and hence ‘criminal procedure laws’ must take the
9 defendants’ youthfulness into account, sentencing courts must have absolute discretion to depart
10 as far as they want below otherwise applicable SRA ranges and/or sentencing enhancements
11 when sentencing juveniles in adult court, regardless of how the juvenile got there.”) (citing
12 *Miller-Graham-Roper* trilogy).

13 4.4.7 Despite these contemporary standards, and the widespread knowledge that
14 solitary confinement can inflict serious harm on juveniles, the County’s Policy Manual
15 authorizes Detention Staff and Supervisors to place youth such as Plaintiff in “room
16 confinement,” “Room Lock,” “24 hour lock,” “23/1” confinement, or other forms of solitary
17 confinement or isolation, for minor and major rule violations where public safety concerns are
18 absent.

19 4.4.8 To the extent the County’s Policy Manual contains safeguards for the benefit of
20 juvenile detainees, the County is deliberately indifferent to a pattern and practice of placing
21 juveniles in solitary confinement or isolation without enforcement of such safeguards.

22 4.4.9 By operation of County policy and the practice of not enforcing safeguards
23 contained in the Policy Manual, the County allows the use of solitary confinement of juveniles as
24 described herein that posed and continues to pose an unreasonable risk of serious damage to the
25 health of its juvenile detainees including Plaintiff. The County’s ongoing operation of its
26 Detention Facility, with this policy and practice in place, is in deliberate indifference to these
27 serious risks.

4.4.10 The County's placement of Plaintiff in solitary confinement, as described herein, whether for punitive or administrative purposes, was unwarranted and contrary to the Eighth and Fourteenth Amendments.

4.4.11 The County’s affirmative policy regarding its use of “cell confinement,” “Room Lock,” the “Padded Room,” and other formulations for solitary confinement caused Plaintiff to suffer the constitutional deprivations described herein.

4.4.12 The pattern and practice of non-enforcement of safeguards for juveniles placed in solitary confinement set forth in the Policy Manual caused and exacerbated the constitutional deprivations described herein.

4.4.13 On account of Plaintiff's prolonged solitary confinement and restricted diet in February and March of 2016, and the prior repeated use of solitary confinement as described herein, Defendants have inflicted pain and suffering on Plaintiff. Plaintiff is entitled to damages for this pain and suffering, emotional distress, and other general damages.

4.4.14 Defendants Reynvaan, Murphy, and County caused Plaintiff's injuries associated with the prolonged solitary confinement in February and March 2016.

4.4.15 Defendants Doe staffers and the County caused Plaintiff's injuries associated with prior instances of unconstitutional solitary confinement.

V. CAUSES OF ACTION

5.1. By virtue of the facts set forth above, Defendants are liable for deprivation of civil rights of Plaintiff, M.D., guaranteed by the Fourteenth Amendment to the Constitution of the United States and 42 U.S.C. § 1983, because Defendants have subjected Plaintiff to solitary confinement, on a routine basis pursuant to County policies and practices, for reasons that fall short of the extreme circumstances tolerated by substantive due process such as addressing public safety concerns.

5.2. By virtue of the facts set forth above, Defendants are liable for deprivation of civil rights of Plaintiff, M.D., guaranteed by the Fourteenth Amendment to the Constitution of the United States and 42 U.S.C. § 1983, because Defendants have subjected Plaintiff to solitary

1 confinement and deprived him of educational materials and opportunities, on a routine basis
2 pursuant to County policies and practices, without notice or opportunity to be heard, in violation
3 of his procedural due process rights.

4 5.3 By virtue of the facts set forth above, Defendants are liable for deprivation of civil
5 rights of Plaintiff, M.D., guaranteed by the Eighth Amendment to the Constitution of the United
6 States and 42 U.S.C. § 1983, because Defendants have subjected Plaintiff to solitary
7 confinement, on a routine basis pursuant to County policies and practices and otherwise under
8 circumstances described herein, which amounts to cruel and unusual punishment.

9 **VI. REQUEST FOR RELIEF**

10 WHEREFORE, Plaintiff requests relief as follows:

11 6.1. Injunctive relief, including that Defendant Grays Harbor County be ordered to
12 cease placing Plaintiff and other juvenile detainees in solitary confinement as a routine method
13 of behavior management;

14 6.2. A declaration that Grays Harbor County's policies and practices as described
15 herein are unconstitutional;

16 6.3. Compensatory damages;

17 6.4 Costs, including reasonable attorneys' fees, under 42 U.S.C. § 1988 and to the
18 extent otherwise permitted by law;

19 6.5. Such other relief as may be just and equitable.

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1 DATED this 14th day of March, 2017.
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3 MacDONALD HOAGUE & BAYLESS

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